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Notice of Allowability

Application No.

10/518,465

Examiner

S. Mark Clardy

Applicant(s)

KAWASAKI ET AL.

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Attorney authorization for amendment of June 23, 2006.
2. ☒ The allowed claim(s) is/are 1-20 and 22-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/22/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Claims 1-24 are pending in this application which has been filed under 35 USC 371 as the national stage of international application PCT/JP03/03541, filed March 24, 2003. Applicants' copending application 10/507,929, discloses synergistic herbicide combinations of pyrimisulfan with secondary herbicides for rice paddy application; none of these secondary herbicides are claimed herein.

Applicants' claims are drawn to herbicidal compositions and methods of using them for weed control, the compositions comprising:

A) pyrimisulfan

B) a secondary herbicide:

- | | |
|------------------------------------|---------------------------|
| 1. orbencarb | 14. sethoxydim |
| 2. bensulide | 15. pyribenzoxim |
| 3. asulam | 16. cinmethylin |
| 4. propanil | 17. quinclorac |
| 5. carfentrazone-Et | 18. metsulfuron-Me |
| 6. siduron | 19. amidosulfuron |
| 7. prodiamine | 20. diflufenican |
| 8. pendimethalin | 21. isoproturon |
| 9. benfluralin | 22. bispyribac |
| 10. cyhalofop-Bu | 23. glyphosate |
| 11,12. fenoxaprop (isomers) | 24. glufosinate |
| 13. profoxydim | 25. bilanafos |

Test data has been presented in Tables 2-5 for the active (B) compounds in bold type, above. Each of the tested combinations exhibits synergistic results for at least one weed species, with no, or reduced, damage to crops; except for cyhalofop, siduron, prodiamine, benfluralin, and glyphosate. The results for the latter five herbicides are indeterminate because the weed controlling effects from the single herbicide applications are too high to assess whether their

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combined effects were additive or synergistic. In some cases, (fenoxaprop-Et and sethoxydim, Table 2), the combined rice phytotoxicity was unexpectedly reduced.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Jacob on June 27, 2006..

The application has been amended as follows::

Cancel claim 21.

Claims ^{1-20, 22-24}~~1-24~~ are allowed; the following is an examiner's statement of reasons for allowance:

The closest prior art appears to be JP 2000-281513, cited by applicants, which discloses the synergistic combination of pyrimisulfan (compound A) with three different chloroacetanilide herbicides such as pretilachlor and thienylchlor. None of the secondary herbicides recited in claim 1 herein are chloroacetanilide herbicides; only one (propanil) is classified as an anilide, and test data has been provided as indicated above. The synergistic results for the pyrimisulfan + chloroacetanilide herbicide combinations of the JP application neither teach nor suggest synergistic combinations of pyrimisulfan with any other herbicide classes, or with any other specific herbicides.

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The other cited reference (JP 2000-256109) discloses phosphoherbicides A-1 through A-8 in combination with secondary herbicides (B1 through B28), none of which are pyrimisulfan.

No other references have been found which teach or suggest synergistic combinations of pyrimisulfan with secondary herbicides.

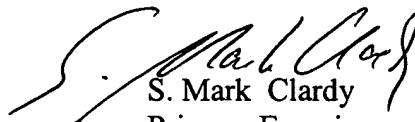
Applicants have provided evidence that the combination of pyrimisulfan and several herbicides (none of which are chloroacetanilide herbicides) exhibit unexpected synergistic results. Thus, the claims must be found allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Mark Clardy whose telephone number is 571-272-0611. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


S. Mark Clardy
Primary Examiner
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June 23, 2006